IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25126 of 2003

Between:

M.Ambika, D/o M.Kistaiah,
R/o H.No.9-115, Patancheru, Medak District.

..... PETITIONER

AND

1 The Chairman & Managing Director, Central Power Distribution Co.Ltd., of A.P. Singareni Bhavan, Lakdikapool, Hyderabad.
2 The Superintendent Engineer (Operation), Andhra Pradesh Central Power Distribution Co.Ltd., Medak Circle at Sanga Reddy. Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the respondents in rejecting the request of the petitioner for her appointment as Typist-cum-Office Attendant vide order Dated 21-11-2003 in Proceedings No.SC/OP/MD/PO/Adm./Door No.1818/4/2003 as illegal, unsustainable and contrary to B.P.M.S.No.36, Dated 18-5-1997, Memo Dt.3-12-1999 and also contrary to judgment of this Court in W.P.No.17163/2002 and batch Dt.24-12-2002 and further direct the respondents to appoint the petitioner as Typist-cum-Office attendant in the existing vacancies.

Counsel for the Petitioner: MR.BOMMANA RAMAKRISHNA

Counsel for the Respondents: Mr.S.Rajendranath Reddy, Standing Counsel

The Court made the following :

ORAL ORDER:

The petitioner questions the order, dated 21.11.2003 of the 2nd respondent in rejecting the case of the petitioner for her appointment to the post of Typist-cum-Office Attendant on the ground that the service certificate furnished by the petitioner along with the application form was sent to the Vigilance Cell of the A.P. Transco/APCPDCL for verification to confirm the genuineness of the service certificate and as per the report of the Vigilance Cell of A.P. Transco/APCPDCL, the genuineness regarding the service certificate of the petitioner with the contractor could not be established due to lack of corroborating evidence.

The learned counsel appearing for the petitioner contends that similar orders were questioned earlier in this Court, and this Court allowed number of writ petitions and one of such is the order, dated 12.8.2004 in W.P.No.25554 of 2003. The petitioner, in her application, specifically mentioned two agreements i.e. Agreement No.43/97-98, cheque measured by ADE/OP/Patancheru, dated 27.7.1997 with M.B.No.168 and M.B.Polio No.78 to 81 and another Agreement No.32/97-98, cheque measured by ADE/OP/Patancheru, dated 19.6.1997 with M.P.No.168 and M.P.Polio No.62 to 65. Those two agreements were cheque measured by ADE/OP/Patancheru on 27.7.1997 and 19.6.1997 respectively.

The only verification that could be done by the respondents is

whether the service certificate issued by the Contractor and countersigned by the respondents-officials is genuine. The said agreements under which the petitioner was engaged have to be verified to consider the case of the petitioner for her appointment.

Following the aforesaid judgment, the impugned order, dated 21.11.2003 is set aside and the writ petition is allowed directing the respondents to verify those two agreements Nos.43/97-98 and 32/97-98 cheque measured by ADE/OP/Patancheru on 27.7.1997 and 19.6.l997 respectively under which the petitioner was engaged as Contract Labour as on 18.5.1997 and consider the case of the petitioner for her appointment as Typist-cum-Office Attendant in accordance with B.P.Ms.No.36, dated 18.5.1997 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. If any service certificate issued by the Contractor and countersigned by the respondents-officials is not produced, it is open for the petitioner to produce the same along with a copy of this order so as to enable the respondents to verify the said certificate issued by the Contractor and countersigned by the respondents-officials and to consider the case of the petitioner. No costs.

(V.ESWARAIAH,J.)

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice, on

this the Friday, 27th August, 2004.

27th August, 2004.

Bcj

To

1 The Chairman & Managing Director, Central Power Distribution Co.Ltd., of A.P. Singareni Bhavan, Lakdikapool, Hyderabad.
2 The Superintendent Engineer (Operation), Andhra Pradesh Central Power Distribution Co.Ltd., Medak Circle at Sanga Reddy. Medak District.

3 Two C.D. copies